

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

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PETER C. RUMBIN	:	3:08 CV 983 (JBA)
	:	
v.	:	
	:	
ASSOCIATION OF AMERICAN MEDICAL	:	
COLLEGES ET AL.	:	DATE: DECEMBER 2, 2008
-----X		

RULING ON PLAINTIFF'S MOTION TO REQUEST ORDER

_____ On June 30, 2008, plaintiff, appearing pro se, commenced this action against defendant Association of American Medical Colleges ["defendant AAMC"], Prometric Inc., and Sylvan Learning Inc. (Dkt. #1). Plaintiff who has a visual impairment, namely glaucoma and ocular misalignment, alleges that he requested certain accommodations when he registered to take the Medical College Admission test ["MCAT"], which requests were denied. On October 23, 2008, this Magistrate Judge filed a Ruling on Plaintiff's Motion to Amend (Dkt. #65), which granted plaintiff's motion. (See Dkts. ##52, 55-56, 60-64).

On October 20, 2008, plaintiff filed the pending Motion to Request An Order (Dkt. #58), which requests a court order to defendant AAMC "to certify plaintiff's medical school applications (AMCAS)" and to "send the MCAT scores from [the] full-length MCAT to the medical schools with the medical school application, . . . [to] be done immediately in order to meet application deadlines." Three days later, U.S. District Judge Janet Bond Arterton referred this motion to this Magistrate Judge. (Dkt. #63). On November 12, 2008, defendant AAMC filed its brief in opposition.¹ (Dkt. #72).

¹Two exhibits were attached: copy of web page of American Medical College Admission Service ["AMCAS"] (Exh. 1); and affidavit of Stephen Fitzpatrick, sworn to November 10, 2008 (Exh. 2) ["Fitzpatrick Aff't"].

As defendant AAMC has explained in its brief, plaintiff has only taken practices tests in two commercial MCAT test preparation programs (Dkt. #72, at 1-2), and defendant does not “certify” applications submitted to medical schools, in that this certification process instead is performed by American Medical College Admission Service [“AMCAS”], which is “operated by [defendant] AAMC.” (*Id.* at 2-3; Exh. 1; Fitzpatrick Aff’t, ¶¶ 1-5). According to defendant AAMC, plaintiff has submitted medical school applications to AMCAS for at least ten years, but his current application has not been verified because some information he provided on the application “does not match the corresponding information found on a transcript which has been submitted as one of his official transcripts.” (Dkt. #72, at 2-3; Fitzpatrick Aff’t, ¶¶ 3-4). As of last month, the 2009 application cycle was “still in progress,” and plaintiff’s application “may yet be processed for this cycle if the discrepancy . . . is resolved.” (Fitzpatrick Aff’t, ¶ 5).

In light of this information, defendant AAMC is correct that there is no basis for the Court to order defendant AAMC to “certify” plaintiff’s medical school applications or to forward his “full-length MCAT” scores to medical schools.

Accordingly, for the reasons stated above, plaintiff’s Motion to Request Order (Dkt. #58) is denied.

See 28 U.S.C. § 636(b)(**written objections to ruling must be filed within ten days after service of same**); FED. R. CIV. P. 6(a), 6(e) & 72; Rule 72.2 of the Local Rules for United States Magistrate Judges, United States District Court for the District of Connecticut; Small v. Secretary, H&HS, 892 F.2d 15, 16 (2d Cir. 1989)(**failure to file timely objection to Magistrate Judge’s recommended ruling may preclude further appeal to Second Circuit**); Caidor v. Onondaga County, 517 F.3d 601, 603-05 (2d Cir.

2008)(**failure to file timely objection to Magistrate Judge's discovery ruling will**
preclude further appeal to Second Circuit).

Dated at New Haven, Connecticut, this 2nd day of December, 2008.

/s/Joan Glazer Margolis, USMJ
Joan Glazer Margolis
United States Magistrate Judge